



Report to the Auburn City Council

Action Item	2
Agenda Item No.	
City Manager's Approval	

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner
Date: April 25, 2011
Subject: Authorization to Submit an Application to the Placer County Local Agency Formation Commission (LAFCO) to Consider Annexation of Two Properties Totaling ±16.1 Acres Located at 880 & 890 Foresthill Avenue

The Issue

Should the City Council Authorize the submittal of an application to the Placer County Local Agency Formation Commission (LAFCO) to consider annexation of two properties totaling ±16.1 acres located at 880 and 890 Foresthill Avenue (**Attachment 1**)?

Conclusions and Recommendation

Staff recommends that the City Council take the following actions:

- A. By Resolution, adopt a Categorical Exemption prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit A**); and,
- B. By Resolution, authorize the submittal of an application to LAFCO to consider Annexation of ±16.1 acres located at 880 & 890 Foresthill Avenue (**Exhibit B**).

History/Background

The applicant has obtained a Minor Use Permit (MUP) from the Placer County Community Development & Resource Agency to replace an existing singly family dwelling unit on his ±10.6 acre property located at 890 Foresthill Avenue. A condition of the MUP requires the applicant to obtain sewer connections from the City for each of the dwellings (4 total) prior to obtaining a Certificate of Occupancy for the replaced residence (Condition of Approval No. 4)(**Attachments 2 & 3**).

In order to obtain additional sewer connections from the City, it has been the City's policy that property owners desiring additional City sewer hookups be required to annex into the City prior to obtaining additional City sewer connections. Accordingly, the applicant has been unable to comply with Placer County's Condition of Approval No. 4. and is therefore requesting that his property be considered for annexation by the Placer County Local Agency Formation Commission (LAFCO) (**Attachment 4**).

The applicant has also spoken with the adjoining property owners and the Placer County Land Trust, which owns an adjoining property at 880 Foresthill Avenue (between the City of Auburn and applicant's property) has agreed to participate in the annexation proceedings. According to correspondence received from the Placer County Land Trust (**Attachment 5**), the Placer County Land Trust is agreeable to the annexation provided that: 1) No further development will occur on the properties; 2) Placer Land Trust property will be designated Open Space Conservation; and, 3) No costs will be incurred by Placer Land Trust related to the annexation process.

Project Description

Adoption of the attached resolutions provides authorization to LAFCO to accept an annexation application for processing. The ±16.1 acre properties located at 880 & 890 Foresthill Avenue adjoin property currently outside of the City's jurisdiction, but are within the City's Sphere of Influence. The City's General Plan Land Use designation for the subject properties is Urban Low Density Residential which allows four (4) dwelling units per acre.

In addition to annexation of the properties into the City, the applicant is requesting that the Community Development Department concurrently process entitlements consisting of a General Plan Amendment and Pre-zone for both of the properties. The General Plan designation of Urban Low Density Residential is proposed to be changed to Open Space and Pre-Zoned to Open Space Conservation for the Placer Land Trust property identified as APN: 054-290-063. The applicant's property is proposed to be changed from Urban Low Density Residential to Low Density Residential, which allows a density of ½ units per acre and a Pre-Zone to Agricultural Residential, minimum parcel size of 2.5 units per acre (**Attachment 6**).

The General Plan Amendment & Rezone require public hearings at both the Planning Commission and City Council. The Annexation, General Plan Amendment & Pre-zone applications will run concurrently. Ratification of a tax sharing agreement between the City and County is required prior to approval of the annexation by LAFCO.

Annexation Policy

In accordance with Resolution No. 99-64 it has been the policy of the City of Auburn that the City shall actively encourage annexation. Specifically, Resolution 99-64 states:

"That pre-annexation activities shall be initiated for those areas within an appropriate sphere of influence that (1) are fiscally sound additions to the City; (2) can be served by municipal facilities or an acceptable alternative; (3) are beneficial to the residents and businesses within the City of Auburn and the area to be annexed; and, (4) conform with the policies of the Auburn General Plan."

General Plan Consistency

As depicted on the City of Auburn Land Use Map, the subject property is designated for Urban Low Density Residential (ULDR) use. A Residential Low Density designation allows a density of up to 4 dwelling units per net acre. Land Use Policies of the City of Auburn General Plan promote annexation provided the annexation is fiscally sound and provisions for water, sewer,

and drainage system improvements are provided. The project is consistent with the Urban Low Density Residential General Plan designation and the following General Plan policies and goals:

- Policy 10.1 – Utilize development standards and annexation to promote open space and to manage the rate, location, and type of growth.
- Policy 10.2 – Annex those lands which can be developed in accordance with the Auburn General Plan, are fiscally sound additions to the City, can be adequately served by municipal (or acceptable alternative) facilities and services, and are part of a planned, orderly annexation program.
- Policy 10.3 – Pre-zone all properties proposed for annexation in a manner consistent with the Auburn General Plan.
- Policy 10.4 – The Auburn General Plan and zoning designations for annexed land should consider the following criteria:
 - a. The capacity of facilities and municipal services.
 - b. The environmental effects that development on lands proposed for annexation may have on properties within the existing city limits.
 - c. Existing land uses, if any, on and in the vicinity of the land use.
 - d. The extent of any natural habitats and features of the landscape which should be preserved.
 - e. The demonstrated need for additional housing, retail commercial uses, other commercial uses, and industrial uses.

Environmental Determination

The subject property contains four (4) dwelling units with associated improvements. No further development is proposed with the annexation and the City services to be provided would only serve existing development.

In accordance with Section 15319, Class 19, of the California Environmental Quality Act (CEQA) and Guidelines, the project may be determined to be Categorical Exempt under the following provisions:

- a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Alternatives Available to Council; Implications of Alternatives

1. Adopt the Resolutions authorizing the submittal of an application to the Placer County Local Formation Commission; or,
2. Do not adopt the Resolutions authorizing submittal of an application to the Placer County Local Formation Commission; or,

3. Provide further direction to Staff.

Fiscal Impacts

As a component of annexation and prior to approval by LAFCO, a City/County Tax Sharing Agreement is required to be ratified between the City and County. Once negotiated between the City and County, the Tax Sharing Agreement shall be presented to the City Council for approval.

Additional Information

Please see the following attachments for more details:

ATTACHMENTS –

1. Vicinity Map
2. Site Plan
3. County of Placer Community Development Resource Agency Approval
4. Applicant's Correspondence dated April 14, 2011
5. Placer County Land Trust Correspondence dated March 24, 2011
6. City of Auburn General Plan Land Use & Zoning Maps

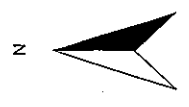
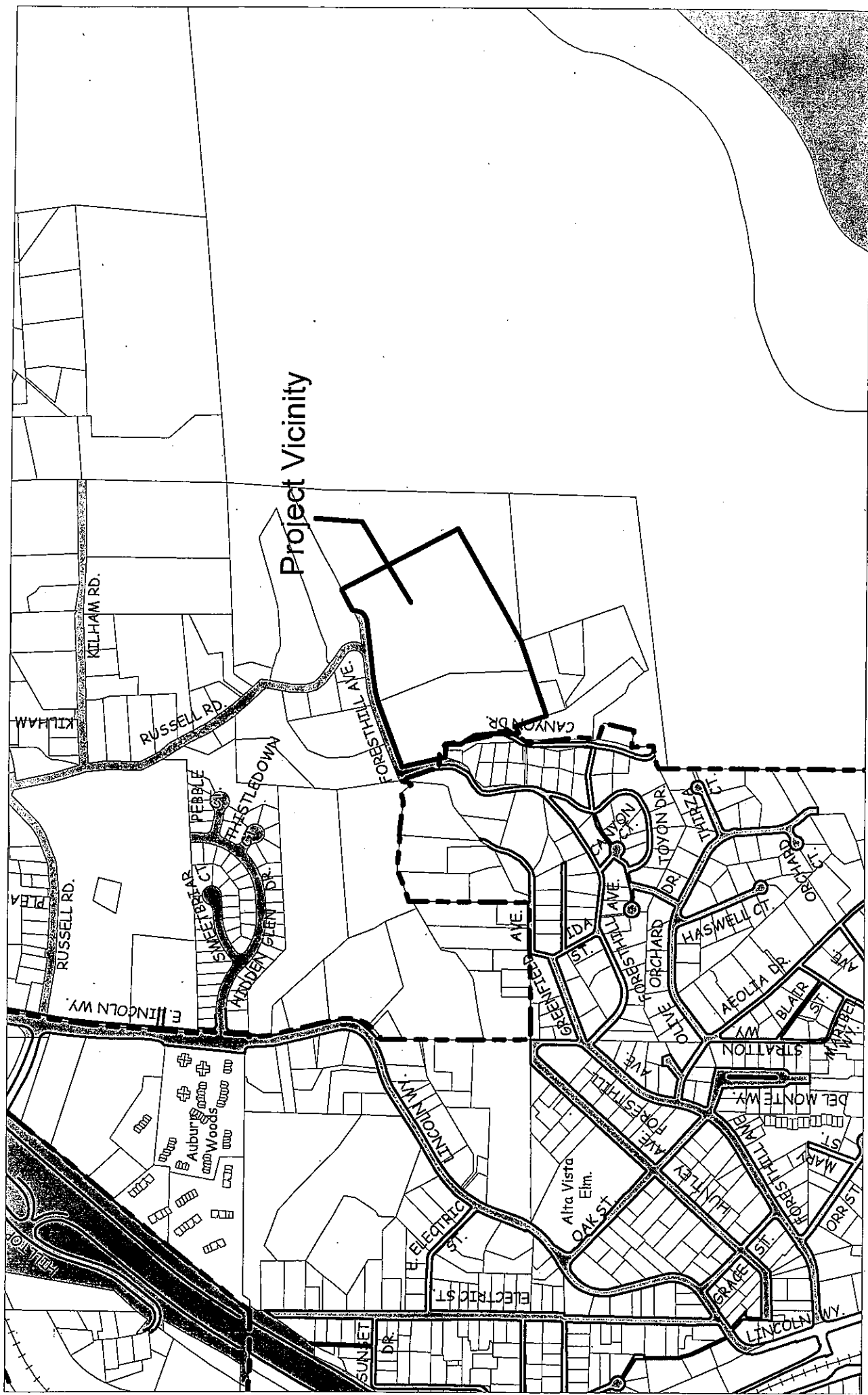
EXHIBITS –

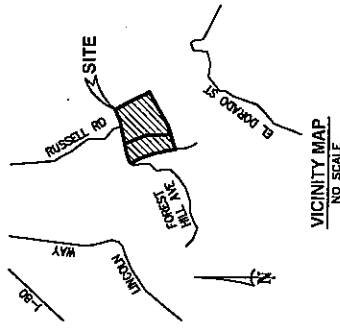
- A. Resolution adopting Categorical Exemption with Attached Categorical Exemption
- B. Resolution Authorizing the Submittal of an Application with the Placer County Local Agency Formation Commission.



ATTACHMENTS

880 & 890 Foresthill Avenue





LINE TABULATION

LINE NO.	BEARING	DIST.
L1	S00°54'00"E	69.57'
L2	S32°58'00"E	79.81'
L3	S06°59'00"E	88.98'
L4	S01°35'00"E	80.58'
L5	S01°22'00"E	37.17'
L6	S27°51'00"W	8.66'
L7	N76°29'00"E	49.50'
L8	S82°29'31"W	76.53'
L9	S74°33'31"W	52.00'
L10	S69°16'31"W	10.00'
L11	S81°00'00"E	93.43'
L12	S81°00'00"E	12.19'
L13	S81°00'00"E	23.53'
L14	N89°06'00"E	40.00'

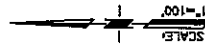


EXHIBIT MAP
MEYER

EXISTING STRUCTURES

A PORTION OF
SECTION 11, T12N R8E, MDM
PLACER COUNTY, CALIFORNIA
SCALE: 1"=100' APRIL 14, 2011

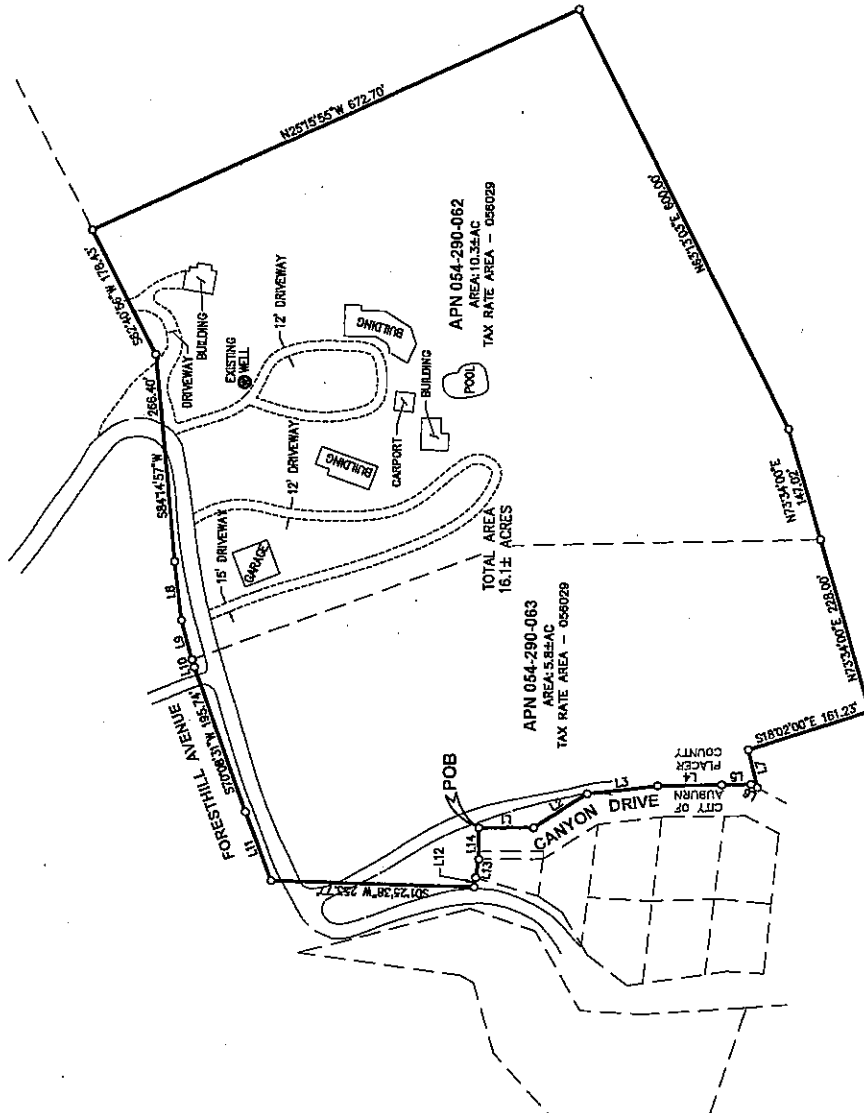
**ANDREGG
GEOMATICS**

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8/9/2011 10:07:23

PREPARED AT THE REQUEST OF:
RON MEYER

BOUNDARY SHOWN HEREON BASED ON RECORD PER DOCUMENT NO.
89-0058182 AND DOCUMENT NO. 89-0058183

HORIZONTAL DATUM:
LOCAL GRID COORDINATES



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ATTACHMENT 2



COUNTY OF PLACER
Community Development Resource Agency

ATTACHMENT 3

PLANNING

Michael J. Johnson, AICP
Agency Director

FINAL FINDINGS AND FINAL CONDITIONS OF APPROVAL
MINOR USE PERMIT PMPC 20100380 - MEYER

CEQA FINDINGS:

The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15302 of the California Environmental Quality Act Guidelines and Section 18.36.040 of the Placer County Environmental Review Ordinance (Class 2, Replacement or Reconstruction).

FINAL FINDINGS:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.
2. The proposed project is consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The Minor Use Permit does not authorize a use that is not otherwise allowed in the zoning district.

FINAL CONDITIONS OF APPROVAL:

1. This Minor Use Permit (PMPCT20100380) is approved to allow for the construction of a 3,000 square foot single-family residence at the location of an existing storm-damaged residence on APN 054-290-062.
2. The applicant shall obtain a building permit for the construction of the single-family residence.
3. The applicant shall construct the single-family residence within the footprint of the residence to be demolished.
4. Prior to Building permit issuance, submit to Environmental Health Services a "Will-serve" letter from the City of Auburn stating that the City of Auburn sewer district can and will provide sewerage service to all plumbed structures on the subject parcel. Connect all residences and structures with plumbing on the parcel to this public sewer, and properly abandon all existing septic systems on site. All remaining septic system abandonments to be completed with permit and inspection by the Placer County Building Department. Prior to issuance of an Environmental Health Services Final for a building permit, submit written verification to Environmental Health Services of completion of the above.
5. Prior to building permit issuance, submit to Environmental Health Services, a will serve letter from Placer County Water Agency for domestic treated water service, and connect the project to this domestic treated water supply.
6. This approval shall expire on December 27, 2012 unless previously exercised.

ATTACHMENT 4

April 14, 2011

City of Auburn
1225 Lincoln Way
Auburn, CA 95603

To whom it may concern:

The following is a brief history leading up to the need for annexation into the city of Auburn. We purchased this property located at 890 Foresthill Avenue, Auburn, in July of 2002. After moving onto the property we experienced a failing septic system for the house that we will be replacing. After exploring all alternatives for on site disposal we realized we had no solutions to remedy the problem. We then installed a sewer line connecting to the City of Auburn.

In October of 2010 we hired an architect to draw plans for a house to replace the existing one. I then visited all the agencies at Placer County and was told I would need a minor use permit that we were granted Dec. 16, 2010. One of the conditions of the use permit was that we connect all plumbed structures to the city sewer. We then went to the city to get a will serve letter for sewer connection and were told we would need to annex in order to do so.

If I can answer any further questions, please don't hesitate to ask.

Sincerely,



Ron and Kathy Meyer



ATTACHMENT 5



Natural Wonders Forever

March 24, 2011

Placer Land Trust

11661 Blocker Drive #110
Auburn, CA 95603
(530) 887-9222
Fax (530) 888-7720
info@placerlandtrust.org
www.placerlandtrust.org

Board of Directors

Fred Yeager, President
Patricia Callan-McKinney
Rich Ferreira
Robert Gilliom
Jim Haagen-Smit
Gregg McKenzie
Thomas McMahan
Mehrey Vaghti
Larry Welch

Executive Director

Jeff Darlington

Placer Land Trust works with willing landowners and conservation partners to permanently preserve natural and agricultural lands in Placer County for future generations.



Placer Land Trust is a private, nonprofit 501(c)(3) charitable organization incorporated in 1991, accredited by the national Land Trust Accreditation Commission. Federal Tax Identification Number: 68-0223143.

To: Wilfred Wong, City of Auburn
Ron Meyer
Kristina Berry, LAFCO
Bob Gilliom, Emigrant Trails Greenway Trust
Meyer/Stagecoach area neighbors

On March 15, 2011, Placer Land Trust's neighbor Ron Meyer informed Placer Land Trust (PLT) that he is seeking City of Auburn approval for City sewer service to an existing site on his Foresthill Avenue property.

Ron and the City informed PLT that the City and/or LAFCO would require Ron's property and the intervening property – a portion of PLT's Stagecoach Preserve – to be annexed into the City of Auburn, in order for this service to be approved.

PLT has discussed this proposal with Ron Meyer and with Wilfred Wong, Community Development Director for the City of Auburn.

Placer Land Trust is willing to have a portion of its Stagecoach Preserve annexed into the City of Auburn, subject to the following understandings and actions.

First, PLT's policy is to avoid taking actions that facilitate development around its protected lands, and, if possible, to enhance its protected lands through a variety of actions with willing landowners (including limiting adjacent development through agreements with willing landowners).

In this case, PLT policy does not prevent PLT from accommodating Ron Meyer's sewer hook-up to an existing building site, since it does not result in increased development density either on the Meyer property or other adjacent properties. Ron Meyer's sewer hook-up proposal is consistent with that certain *Deed of Sewer Line Easement, June 2, 2004*, by and between PLT and Ron Meyer, which restricts the amount of sewer service to the Meyer property across PLT's Stagecoach Preserve.

Consistent with its policy, PLT will not allow any additional City sewer or other utilities to cross Stagecoach Preserve, whether to Ron Meyer or any other neighbor.

(continued)

RECEIVED

MAR 25 2011

COMMUNITY DEVELOPMENT
CITY OF AUBURN

Furthermore, Ron Meyer has agreed to place deed restrictions on his property, enforceable by PLT, to forever limit development to four residential units, regardless of future changes in property zoning or ownership. Given that fact, and with Ron Meyer's consent, PLT encourages the City to zone the Meyer property consistent with this existing density upon annexation.

Secondly, PLT requires Ron Meyer to compensate PLT for any costs incurred by PLT related to the annexation process.

Finally, PLT understands that this annexation will not increase the property tax burden on our Stagecoach Preserve property, and PLT requests the City to zone the annexed portions of its Stagecoach Preserve as Open Space, consistent with the property's protected status and existing and perpetual use for public benefit.

Placer Land Trust values our relationships with the City of Auburn and with our neighbors, many of whom in this neighborhood joined with Emigrant Trails Greenway Trust and the Meyer family to fund PLT's acquisition and permanent protection of Stagecoach Preserve.

Please feel free to contact me with any questions you may have.

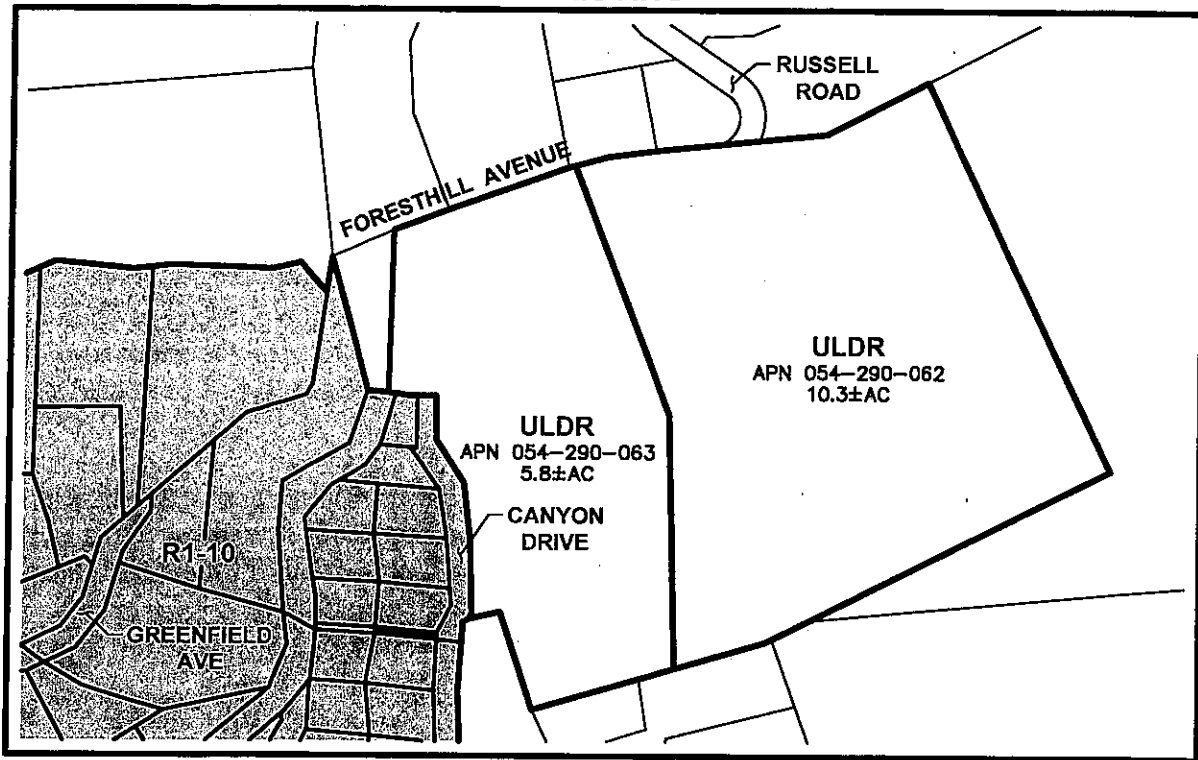
Sincerely,

A handwritten signature in black ink, appearing to read 'JD' or 'Jeff Darlington', with a long horizontal stroke extending to the right.

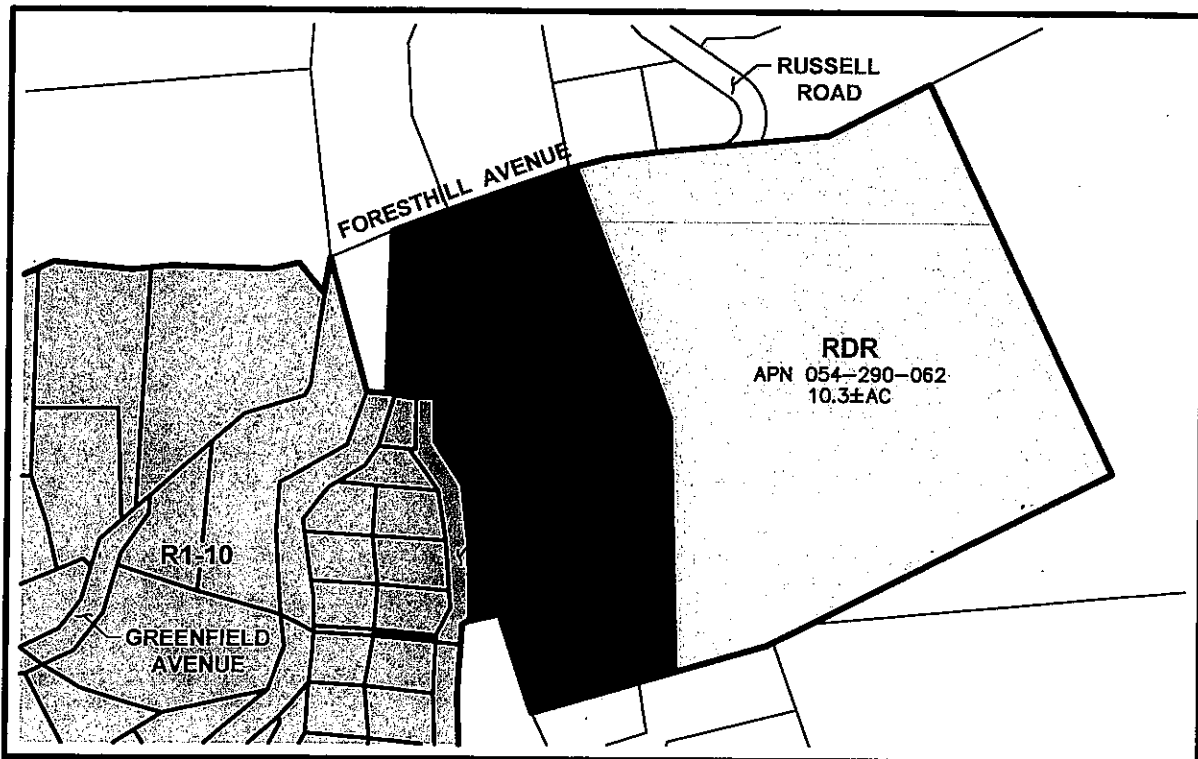
Jeff Darlington
Executive Director

Proposed General Plan Amendment

EXISTING

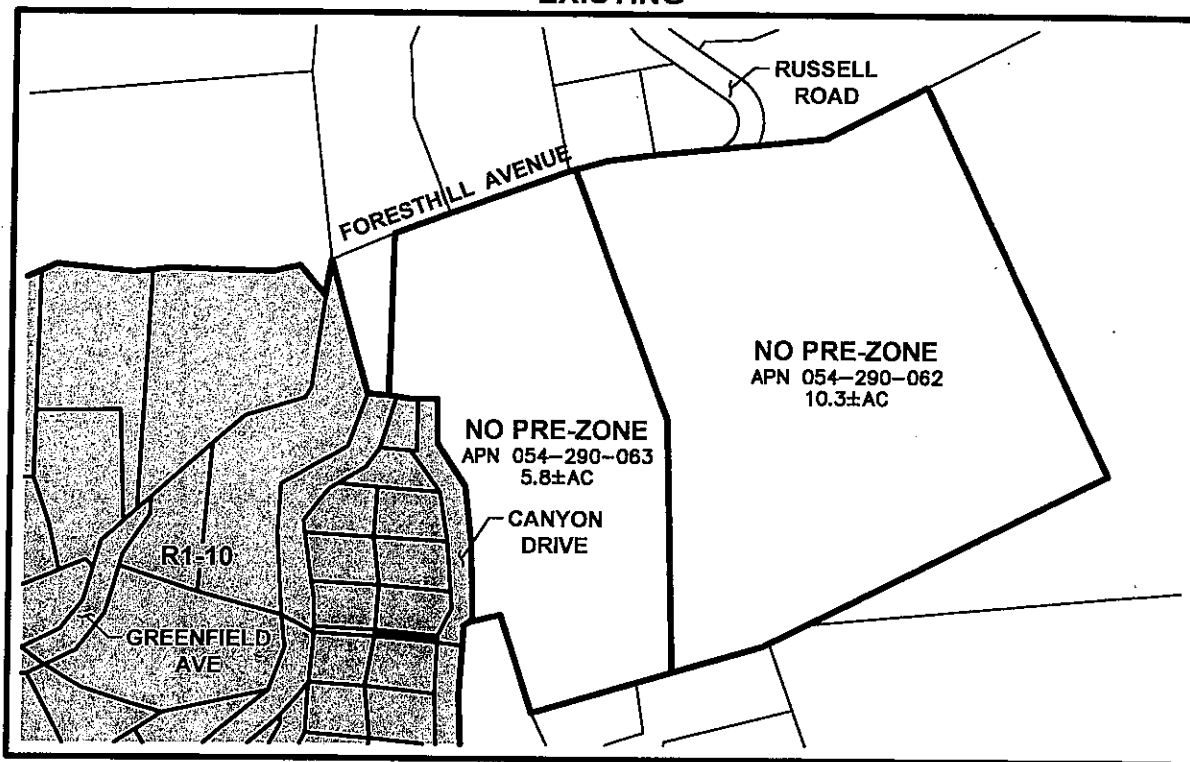


PROPOSED

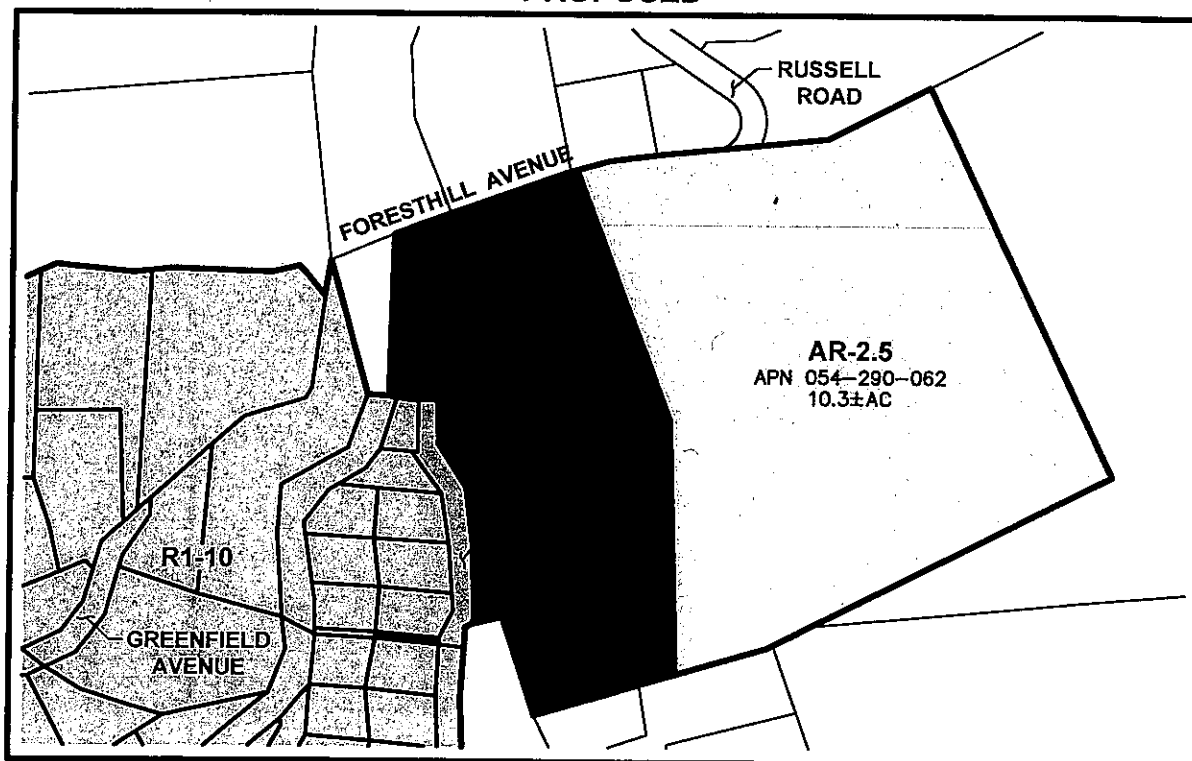


Rezoning Proposal

EXISTING



PROPOSED



EXHIBITS



EXHIBIT A

CITY COUNCIL RESOLUTION NO. 11-____

A RESOLUTION ADOPTING A CATEGORICAL EXEMPTION PREPARED FOR A PROPOSED APPLICATION FOR ANNEXATION OF TWO PROPERTIES TOTALING ±16.1 ACRES OF PROPERTY LOCATED AT 880 & 890 FORESTHILL AVENUE (ANN 11-1)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council has considered all of the evidence submitted which includes, but is not limited to:

1. Staff report prepared by the Community Development Department for the April 25, 2011, City Council meeting.
2. All related documents received or submitted at or prior to the meeting.
3. The City of Auburn General Plan, Subdivision Ordinance, Zoning Ordinance, City of Auburn Airport Land Use Plan, County of Placer General Plan and Zoning Ordinance, and all other applicable regulations and codes.

SECTION 2. In review of all of the foregoing evidence, the City Council finds the following:

1. The City Council, finds that the project is Categorically Exempt in accordance with Section 15319, Class 19 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment 1**).
2. The property is built out in accordance with the Placer County General Plan and no further development is proposed upon annexation into the City, as proposed.
3. The City Council has determined that the Categorical Exemption is the

1 appropriate level of environmental review for the proposed project.

2
3 Section 3. The time in which to seek judicial review of this decision shall
4 be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall
5 certify to the adoption of this resolution, transmit copies of the same to the
6 applicant and his counsel, if any, together with a proof of mailing in the form
7 required by law and shall enter a certified copy of this resolution in the book of
8 resolutions of the City.

9
10 DATED: April 25, 2011

11
12 _____
William W. Kirby, M.D., Mayor

13
14 ATTEST:

15 _____
16 Joseph G. R. Labrie, City Clerk

17
18 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
19 that the foregoing resolution was duly passed at a regular meeting of the City
of Auburn held on the 25th day of April 2011 by the following vote on roll call:

20 Ayes:

21 Noes:

22 Absent:

23 _____
Joseph G. R. Labrie, City Clerk

COUNTY RECORDER

Filing Requested by:

City of Auburn, CDD

Lance E. Lowe, AICP, Associate Planner

1225 Lincoln Way, Room 3

Address

Auburn, CA 95603

City, State, Zip

ATTACHMENT 1

Notice of Exemption

To: Placer County Clerk
2954 Richardson Drive
Auburn, CA 95603

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814



Project Title: Meyer Annexation (File # ANN 11-1) (530) 823-4211 ext 103
880 & 890 Foresthill Avenue
Auburn, CA 95603

Project Location: Subject property is located at 880 & 890 Foresthill Avenue

Project: Authorization to submit an application for annexation of two properties totaling ±16.1 acres adjacent to the City of Auburn City limits.

Categorical Exemption: "15319, Class 19"

Reasons why project is exempt: Section 15319, Class 19 consists of the following annexations:

- a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- b) Annexations of individual small parcels of the minimum size of facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

This is to advise that the Auburn City Council, as the lead agency in accordance with CEQA, adopted a Categorical Exemption on **April 25, 2011.**

Lead Agency Contact Person: Lance E. Lowe, AICP, Associate Planner

Telephone Number: (530) 823-4211 ext. 103

Signature (Public Agency): _____ Date: _____

Date received for filing at OPR:

FILE # _____ FILE NAME _____
AUTHORIZED SIGNATURE _____

RECEIPT # _____
FEE STATUS _____

EXHIBIT B

RESOLUTION NO. 11-_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR ANNEXATION TO THE PLACER COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR PROPERTY LOCATED AT 880 & 890 FORESTHILL AVENUE (ANN 11-1)

BE IT RESOLVED by the City Council of the City of Auburn as follows:

SECTION 1. The City Council desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 *et. seq.*) for the annexation of two contiguous properties totaling ± 16.1 acres located at 880 & 890 Foresthill Avenue into the City of Auburn as illustrated in **Attachment 1** attached hereto and incorporated herein by reference.

1. The territory proposed to be annexed is uninhabited and an illustration of the boundaries of the territory is set forth in **Attachment 1** attached hereto and incorporated herein by reference.

2. The properties are within the sphere of influence of the City of Auburn.

3. Existing services are available to serve the properties proposed for annexation.

4. The proposed annexation of residential properties currently served by City services is consistent with the City of Auburn General Plan. The property is built out in accordance with the City of Auburn General Plan.

5. As all of the owners of record have agreed to the processing of this Application and the City of Auburn requests a waiver of conducting authority under Government Code Section 56663(a). and,

6. The annexation of properties into the City of Auburn is not subject to a Williamson Act Contract.

1 SECTION 2. Upon application approval by the Placer County Local Formation
2 Commission, the City Manager is hereby authorized to enter into and sign any
3 documentation necessary to ratify the property annexation.

4
5 DATED: April 25, 2011
6

7
8 William W. Kirby, M.D., Mayor

9 ATTEST:

10 Joseph G. R. Labrie, City Clerk
11
12

13 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
14 that the foregoing resolution was duly passed at a regular meeting of the City
of Auburn held on the 25th day of April, 2011 by the following vote on roll call:

15 Ayes:

16 Noes:

17 Absent:

18 Joseph G. R. Labrie, City Clerk
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880 & 890 Foresthill Avenue

